He Contended That the Packers Violated the Law by Entering Into an Agreement for Suppressing Competition Both in the Purchase of Live Stock and in the Sale of Fresh Meat.

WASHINGTON, Jan. 9.-Arguments in the so-called Beef Trust case were concluded in the Supreme Court to-day, Attorney-General Moody appearing for the Government in favor of continuing the injunction issued by Judge Grosscup at Chicago, and Attorney Miller closing the case in favor of Swift, Armour and other packers. The space within the wiling was crowded with members of the har, who listened to the arguments with close attention, particularly those of the Attorney-General.

Mr. Moody said it appeared that the defendants, who were seven corporations, one copartnership and twenty-three individuals, were engaged in the business of buying live stock, converting it into fresh meat and selling the meat throughout the country. It was obvious that the business included both manufacture o produc tion and commerce. They were charged with violating the law by entering into an agreement for suppressing competition in the purchase of live stock and of com petition in the sale of fresh meat. None of the charges related to manufacture or production, but all related to commerce not necessarily interstate commerce, but commerce as distinguished from manufacture or production

In this it differed from the Knight case, which concerned only manufacture or fixed. production. There was no fusion or acquisition of property interests, as in the Northern two questions:

case was commerce among the States, and if so

Second-Whether the agreements constituted a restraint of such commerce, or created or promoted a mopoly of no part of ft.

The case of the Government required that both of the questions should be an-

competition in buying live stock, Mr. Moody said the agreement to that effect having been clearly alleged, the question arose whether that agreement related to interstate commerce. That depended upon whether the sales of stock with which the agreement concerned itself were a part of interstate commerce.

"The transactions of purchase and sale," the transactions of purchase and sale, he continued, "are themselves begun and ended within a State. Indeed, every transaction of interstate commerce must take place within a State. Considered as a large transaction of interstate commerce must take place within a State. Considered as a large transaction of the vanished hand is gone forever. mere sale and purchase, the transaction is, superficially, precisely the same whether the subject of the sale or purchase is an article of interstate commerce or of intrastate commerce. The same sort of bargain is made for cattle produced and owned within the State of sale as for cattle produced and owned in another State and sent to the locus of the transaction for the purpose of sale there. In the former case, however, the transaction is governed solely by the rules of the local law; in the latter case It is governed by the rules of the national

Where an owner of commodities living in one State transports them to another State for sale the interstate character of the transaction continues from the beginning of the shipment to and including the sale of the commodity if the commodity has not lost its identity by the breaking of the original package in which it has

been imported." Mr. Moody reenforced his conclusions by a long list of decisions of the Supreme Court in Interstate commerce cases giving similar points, particularly in the original package decisions. In the American Steel and Wire case the court had laid down the principle that "where goods imported into a State for sale had arrived at their destination, were at rest and under the protection of the laws of the State they were subject to the taxing power of the State, even though their interstate character continued and the interstate transaction was not ended." That showed clearly that the point of time when the taxing power of the State intervened was not identical with the point of time when the interstate character of the transaction ended.

As to the contention of the defendants that the unloading of the cattle from the cars in which they were transported and their disposition in the various pens in the stockyards constituted a breaking of the original package and a commingling of the property with the domestic property of the State to such an extent that the purchase and sale of them are domestic commerce Mr. Moody If the original package conception had any relevancy to this discussion surely it must be that the packages which nature itself has made were the original packages.

Referring to the actions of the packers in controlling the selling price of fresh meat by secret meetings throughout the country by their agents at which a uniform price was fixed Mr. Moody said it was learly a pestraint of interstate commerce in view of other decisions by the court. As to the claim that that commerce was not domestic commerce he said the packers themselves had invoked the Federal law against the contention in several instances and had been sustained by the courts. In concluding his argument the Attorney-

"The offence is complete when the combination is made. The combination is not cured of its vice if, perchance, some agent see fit to divide the carcasses before they

Let not the offence of these defendants be obscured by any refinement concerning the details of their conduct. Controlling 60 the details of their conduct. Controlling 60 per cent. of the fresh meat industry of the whole country, they sit down at their slaughtering and packing establishments and with the aid of the telegraph, through the instrumentality of countless agents and attorneys spread throughout the country, clothing their transactions and sheltering their ruseconduct by ciphers and severe their misconduct by ciphers and secre codes, lower or raise, and, when thus lowered or raised, fix and maintain absolutely as among themselves, the price of every pound of one of the great necessities of life as it enters and follows the channels of in-

"This is an unlawful restraint of com-

merce among the States and was so de-clared in the Addyston pipe case, from which all the ingenuity of counsel cannot distinguish the case at bar.

"In the tenth paragraph of the petition it appears that the defendants, with intent to monopolize interstate commerce and to pre-vent competition therein, are engaged in on practice of obtaining unlawful rates for transportation from common carriers, by rebates or other devices which they were to exclusively enjoy and share, and have accordingly so enjoyed and shared." "It is further alleged that this 'scheme

"It is further alleged that this 'scheme to monopolize is also a combination and conspiracy in restraint of trade and commerce among the States."

"From this it appears that the defendants are all engaged in the common effort to obtain unlawful rates, which they subsequently share or pool among themselves, and that their scheme contemplates not only the pooling of these unlawful rates but the exclusion of all outside competitors from obtaining them. btaining them.

"No competition can long endure against those who are secretly and in defiance of the law enjoying rates for the transportation of their property in interstate com-merce which constitute a preference over all others in the same business. No more fruitful source of monopoly can be found than the enjoyment of preferential rates. The history of the country demonstrates

In closing for the packers Attorney Miller In closing for the packers Attorney Miller contended that the Government had not shown by specific charges that the law had been violated in directly restraining trade and competition. It was never intended that the Sherman act should be used to shackle trade, yet there could be no more effective means devised of shackling it than by such construction as had been placed upon it by the Circuit Court. No such case, he declared, had ever been before the court where specific charges of victhe court where specific charges of vio-lations were not presented but which con-cerned largely certain acts which might take place in the future.

The court then took the case under ad-

"THE ONLY WILLIAM" IS DEAD. He Was the King of Bartenders and His

Mixtures Were Pure Sunshine. William Schmidt, known throughout the land as "The Only William," died on Sunday afternoon after a brief illness. He wil be buried in Pine Hill Cemetery, Long Island. The date of the funeral is not yet

For more than twenty years "The Only William was one of the institutions of New Securities case, but simply agreements | York for strangers from afar to see. He between strangers to each other's business | was the king of all bartenders, pearless and affecting their freedom of action in certain beyond compare in his profession. He respects. The charges did not relate made of bartending a fine art. Clad in his to any matters merely incidental or col- spotless white jacket and apron he was a lateral to commerce, or which aided or monarch holding court as he stood behind facilitated it. On the contrary, they the polished resewood of his counter, as related to commerce itself, and were made | smiling, kindly, gracious sovereign, show and done by those who were conducting ering a sunshine of cordial courtesy and it with respect to its conduct. These good will on all who came for his ministrapropositions narrowed the inquiry and left tions, Perhaps some part of this sunfor the court the determination of only shine got into the divine concections he mixed. At all events there was a radiant, First-Whether the commerce in this exhibitanting something infused into William's masterpieces of mixture which was in no other beverage prepared by the hand

man. No critic was ever subtle enough to analyze thoroughly one of William's finer efforts. How he managed to throw about the firm, Doric simplicity of the core of the structure he created that delicate aroma which hung over the solid reality behind it, softening and tinting all its outlines swered in the affirmative, otherwise it set never obscuring its strong, searching realities, no mere soul blunted fumbler in taking up the charge of suppressing chemical analytics, however skillful here. might be, ever revealed. It was past revelation. It was a part of all that was radiant and kindly and gentle in the soul of William himself. With William gone

of William himself. With William gone the art has gone.

There was only one William. There never can be another. The title "The Only William" came to him many years ago, and was prophetic in its truth. There are and will be other bartenders, but the magic touch of the vanished hand is gone

of the continent. As long ago as the '80s, when William's studio was in a hostelry close by the Manhattan entrance to the Bridge, strangers from as far away to the Bridge, strangers from as far away as San Francisco came downtown to visit William and behold him in the composition of one of his masterpieces. By word of mouth and by printed page his famo spread even beyond seas.

His art had its effect upon the growth of New York as a delightful place of residence. People who had once come under the charm of William's genius never were quite satisfied when they returned to less

te satisfied when they returned to less favored communities, where they were deprived of this source of refining culture. Many are said to have been influenced to on small degree by William's gifts to leave their old abodes and come to live perma-nently in New York. William's art, too, had its effect upon international relations. No foreigner, however hostile he might be to America, could ever absorb one of Wil-liam's masternices without bindlor centre. liam's masterpieces without kindlier sentinents warming his heart toward a nation at possessed such a treasure. His fame really was international. Every-

body downtown who is old enough remem-bers the famous dinner at Mouquin's which William gave on the eve of his departure for William gave on the eve of his departure for Europe—the first visit after many years to his old parents back in the German village where he was born. Hearty sentiments of goodwill were expressed for William then, and he fairly illuminated all the room with the pure and unadulterated kindness and happiness that inundated his whole soul. As for that special punch which William then and there brewed with his own hands—there are some things which cannot even be mentioned without verging upon sacrilege. verging upon sacrilege.

William went home, taking his sheaves

with him. His fame had reached its height then. He had his pockets full of newspaper clippings telling of his distinctions. Public prints of importance contained his portrait. A great day in the little village was his sturn to his own home. He showered presents and sunshine on everybody farand near. It was a continuous village festival while he was there. Then he came back to America again, and in his American home found warm and sincers friends to

welcome him.
Some two months ago William's health. gave way. His employer, J. J. Clark at 6 Park place, urged him to take a rest. He did so, but he did not improve. A month later he was taken to Bellevue Hospital hopelessels ill. It was convolved to the control of th pital hopelessly ill. It was a complication of disorders. Ten days ago his mind gave way and then the end came quickly. He has a brother in Hoboken and a niece who is married to an assistant in one of the large public libraries of the city.

Obituary Notes. Jackson R. Decker, who was recently elected Assemblyman for Sussex county, N. J., died at his home in Sparta Sun-N. J., died at his home in Sparta Sunday of typhoid pneumonia after an illness which lasted but a few days. He was 43 years old and was born in Sparta, where he conducted a general merchandise business for many years. He had recently completed a handsome residence adjoining his place of business. Mr. Decker ran for Assembly on the Democratic ticket in the last election and defeated his Republican opponent, Joseph Coult, Jr. Mr. Decker is survived by his wife and a daughter. Mr. Decker is the second member of the Legislature to die since election. The first was George A. Embree of Union county, who died in Westfeld soon after election.

Edgar C. Hassler, City Clerk of Pittsburg, dropped dead on his way from his hotel to the City Hall yesterday. Heart discase caused death. He was formerly a newspaper man, having worked in Cleveland and Chicago in the '89s. Before engazing in newspaper work he was private secretary to James A. Garfield of Ohio. He was a college mate of United States Senator P. C. Knox. He was 45 years old.

Jeremiah Waterman Reade died in Richmond, Va., at the home of hisson, Dra-Frank M. Reade, aged 72. He was a native of Ashford, Conn. At one time he was inspector of ordnance in New York, and later held a like place with the Egyptian Government. His last office was chief inspector of riffes for the Remington Arms Company, Illion, N. Y. The body was taken to Willimantic, Conn. day of typhoid pneumonia after an ill-

Conn.

Mrs. Katie C. Devoy, wife of John W. Devoy, treasurer of the Brooklyn Public Library and also of the Carnegie committee, died at her home, 320 Adelphi street, Brooklyn, yesterday. Mrs. Devoy had formerly been a teacher in the public schools. She is survived by her husband, two daughters and a son.

Mrs. Sarah A. Coe, wife of Edwin-S. Coe of Newark, died on her seventy-seventh birthday on Sunday, after being in ill health for nearly a year as the result of an attack of pneumonia. She was the daughter of the late Clark Freeman and was a lifelong member of Calvary Presbyterian Church.

TRAIL TO CITY BANK'S DOOR

OF LAST \$60,000 STOCK WASHING CASH THE MUNROES USED.

Creditors Having Followed It Bring the Bank Into the Laundry Bankruptcy Sult-A Previous Operation of Loomis and Boese in Mining Promotion.

The National City Bank has been made a party to the bankruptcy proceedings brought against Munroe & Munroe, the collapsed brokerage firm which obtained from the bank on its unindorsed and unsecured notes \$60,000 daily for eight days, and which used the money in washing the price of Montreal and Boston Consolidated mining stock on the Wall Street curb, from 50 cents up to \$3.50 a share. An amended petition was filed yesterday in the United States Bankruptcy Court by counsel for the receiver and certain of the creditors, naming the alleged preference given to the bank as a creditor as a ground for the bankruptcy proceeding.

From the moneys and property of Munroe & Munroe, it is alleged, the sum of \$60,000 was paid to the bank on Dec. 7, the day when the haberdashery outfit refused to accept deliveries of stock. This money was, of course, paid in to take up the daily loan which the bank had been making to the firm. At the time of the last payment, it is alleged, Munroe & Munroe were insolvent. The creditors seek to hold the bank responsible for this \$80,000.

While the news of the step which had been taken in the bankruptcy proceedings was being conveyed by reporters to the officers of the City Bank generally, other developments occurred of special interest to Archibald G. I somis, the bank's second ice-president and credit man, and the leading spirit in the underwriting syndicate which agreed to take 700,000 shares of Montreal and Boston stock at \$1 a share and which engaged the Munroes to dispose of it.

These developments were contained in a despatch from Hartford to an evening newspaper telling of Mr. Loomis's connec tion with an attempt, a year or more ago, to "finance" the Majestic Mining and Smelting Company. Ex-Alderman George F. Kellog of Hartford, a director of the Majestie company, was the authority quoted, and the statements attributed to him were substantiated last night by another director of the company living in this city.

Associated with Mr. Loomis in the Majestio deal was Quincy Ward Boese, late the secretary-treasurer of the Montreal and Boston underwriting syndicate, who has testified in the present proceedings that he helped the Munroes in their wash sale transactions, although he didn't know then that he was doing that. It has been hinted in the present bankruptcy proceedings that Mr. Loomis and Mr. Boese were not strangers in matters of promoting mining properties before they came together in the Montreal and Boston enter-

The Hartford director says that in 1903, when C. J. Caughey, president of the Majestic company, and A. B. Lewis, secretary, failed of reelection, Quincy Ward Boese brought suit against the company and its fiscal agents, Chapman, Mucklow & Bosson of Hartford, upon complaint of Caughey. It was alleged that there had been irregular transactions and that Mucklow had come into possession of stock for which he had paid nothing. About the same time the stockholders in the company began to receive printed matter not calculated to inspire confidence in its affairs.

On Aug, 8, Kellog says, Boese sent letters to the stockholders announcing that a voting trust committee had been appointed, conposed of A. G. Loomis, James H. Knight of the First National Bank of Hartford, and Charles F. Street, to take charge of the affairs of the Majestic company. The delphia, which attracted the attention of decided that he needed a country home and he chose the spot in The Bronx, buying the word and he chose the spot in The Bronx and he chose t trust committee had been appointed, conrecognized standing of Loomis and Knight | the elder James Gordon Bennett, who | seven acres of land about restored confidence, and the shareholders accepted this as an apparent way of avoiding total wreck. In a letter to the directors are restored confidence, and the shareholders accepted this as an apparent way of avoiding total wreck. In a letter to the directors are restored confidence, and the shareholders accepted this as an apparent way of avoiding to the new York Heraid. After four house, when he died he left a considerable accepted this as an apparent way of avoiding to the new York Heraid. After four house, when he died he left a considerable accepted this as an apparent way of avoiding to the new York Heraid. After four house, when he died he left a considerable accepted this as an apparent way of avoiding to the new York Heraid. After four house, when he died he left a considerable accepted this as an apparent way of avoiding the new York Heraid. ing total wreck. In a letter to the directors Mr. Boese is quoted as saying:

We feel not only that our own pecuniary interests, but the interests of every stock-holder of the Majestic company-in fact, the very value of their stock, depends upon the acceptance of the three gentlemen propos as the protective committee, and we think hat there is an opportunity here for secure the heartfelt thanks of all of the 2,000 stockholders of the company by taking hold of this matter with that skill which the sucess you have severally achieved in the financial world shows you possess.

At an early meeting of the voting trust, the director says, Loomis declared that he was going to send Boese to Utah as his personal representative to inspect the company's properties. Boese went, spent one day at the mines in Milford, Utah, and, according to the Hartford director, came back with damaging reports of the condition of the mines.

Under pressure of Loomis and others behind him, the president, treasurer and several directors were forced to resign. A. G. Loomis and his son thereupon were made directors, and the son was put at the head of the company. The same son was secretary of the Montreal and Boston Company until Munroe & Munroe re-

signed. Boese, it is asserted, with A. B. Lewis, the old president of the Majestic company, then came forward with a proposal for the consolidation of the Majestic with several other mining companies in which Loomis and others were interested, the scheme being, it is averred, to bolster up the other mines with the Majestic properties, which possessed known merit. They proposed to capitalize the new company. the Monarch, at \$30,000,000, and to allow the shareholders of the Majestic \$2,000,000 par value of the new stock for all their

at \$8,000,000. Not a cent had been raised for the Majestic company by the voting trust, and the stock of the company fell from \$2, at which it was selling in the open market when Loomis and his followers took it, until at last 15 cents was bid, with the stock offered at 38 cents. Then the rehabilitating process under the Loomis voting trust came to an end, a receiver being appointed for

When Mr. Loomis was asked about these matters yesterday he replied that he had nothing to say.

The announcement by George H. Munroe, head of the collapsed firm, that the firm would resume possession of its offices, at 25 Broadway yesterday morning, proved to be abortive. Early in the day, Jordan Jackson Rollins, of the law firm of Rollins & Rollins, counsel for the Munroes, told the reporters that an order from the court was unnecessary for his clients to start in business again; that he was going down to the receiver's office to see about their

moving in. When he got face to face with the receiver, J. Henry Work, Mr. Rollins requested merely that his clients be allowed office room in the suite. Under the circumstances, Mr. Work said he didn't see how he could allow the Munroes to do business in the offices again without instructions from the court. The letter which Rollins & Rollins wrote to the re-Leeiver announcing the Munroes' intention

MATTRESSES.

Clearance sale of surplus stock high grade Ostermoor Mattresses, regular \$25 and \$30 kind; assorted sizes, extra thick, extra soft, especially nice French Rolled Edges or Imperial Borders; weighing 60 lbs.; one or two parts; in beautiful art ticks; offered while they last at \$18.50 each. Delivered anywhere.

OSTERMOOR,

116 Elizabeth St. Strand 132 Bowery.

All cars transfer to door.

of taking the offices contained this cheerful

venient for you, we shall be glad to give you the use of one of the smaller rooms of the suite for your exclusive occupation for a day

The Munroes, through their attorneys asked also that the furniture, fixtures, books and stationery be left in the offices in the custody of the firm pending the bankruptcy proceedings.

Neither of the Munroes, however, showed up at the office yesterday. If either member of the firm or any member of the Rollins law firm had attempted to interfere he would have found a six foot bouncer at the door. This was an ex-policeman, who was engaged by Mr. Work to look after details regarding his occupation of the offices. In reply to the announcement by the

Work wrote to Rollins & Rollins as follows: I ber to remind you that the assets turned ver to the receiver consisted of a very small sum of money, approximating \$5,000, the books, furniture and fixtures and a few shares of Marconi Telegraph stock, certainly a meagre showing of assets with which to meet the large liabilities of the firm. Subsequent to the failure, and before the reeiver took possession, a large amount of took was delivered to persons from whom the receiver will seek to recover. If you refer to the recovery of these stocks and e enforcement of liability on the part of thers whom the receiver may ascertain to be liable to the firm or its creditors, this would seem, if realized, to constitute a sort of in-

coluntary solvency, for which the firm can aim little credit. Mr. Work said that the Munroes, since the eceiver was appointed, had made no effort receiver was appointed, had made no effort to assist him in finding the assets of the company. The receiver also disclosed the fact that even before the fallure expert accountants were at work on the firm's books, which according to Mr. Work, had not been posted for three months. By whom these men were employed the receiver hasn't been able to according

were employed the receiver hash t been able to ascertain.

In the bankruptcy proceedings before the court yesterday Quincy Ward Boese, secretary-treasurer of the underwriting syndicate, was named as a preferred creditor also. It is alleged that the Munroes delivered to him after the bankruptcy proceedings had begun, 136,863 shares of Montreal and Boston stock, worth at the time about \$460,000. Boese has admitted that the receipts he gave for this stock were dated several days earlier than the actual delivery of the stock.

The hearing will be continued to-day. It is expected more light will be let into the National City Bank's transaction with the firm. able to ascertain.

HIRAM CALKINS DEAD In the Hospital He Helped Found-Known

to Newspaper Men and Politicians. Hiram Calkins, lately president of the Board of Port Wardens, died on Sunday evening in the Hahnemann Hospital, of which he was one of the founders. He was born on Dec. 28, 1830, on his father's

of the Senate. In 1872 he was made clerk of the Constitutional Commission for the revision of the State Constitution. In 1875 he was chosen clerk of the Assembly. From the close of the legislative session until 1885 he represented the World at Albany. In 1885 Gov. Hill appointed him. a Port Warden. Here he served six terms of three years each, ending in 1903. He was reappointed by Governors of both parties and after 1892 was president of

the board.

In 1869 he, with some others, organized and caused to be incorporated the Hahnemann Hospital, in the face of much opposition, devoted to the practice of homeopathy, which at that time was in its incorporate of the practice of He served as its president for

many years. In 1858 Mr. Calkins married M. Jennie In 1858 Mr. Calkins married M. Jennie Partch, who, like himself, was descended from the Lockwoods of Staffordshire, England. Mr. Calkins's ancestry on the paternal side goes back to the Treats and Demings of early Connecticut history; many of his ancestors on both sides were prominently connected with the political and military history of colonial New England and served in the front ranks of the patriot army in the War of the Revolution.

Mr.Calkins leaves two sons and two daughters, all of whom are married. His wife died some thirty years ago. The funeral will be from the Central Presbyterian Church at 4 P. M. on Wednesday.

CAREER A MURDER RUINED. Death of Ellen Cummins Recalls a Western Shooting She Witnessed.

Ellen Cummins, the actress, who died in San Francisco on Sunday at the age of 50, had a picturesque and, in a measure, a properties, which were then capitalized notable career. She was a member of the stock company at Macaulay's Theatre in Louisville when Edwin Booth, just before the opening of his New York theatre, played an engagement there. Booth was so im-pressed with Miss Cummins's acting that he brought her to this city to be a member of the company he was selecting with so

of the company he was selecting with so much care. She appeared first as Cordelia in "King Lear," and later played the leading Shakesperian rôles in his company.

When the first company organized to play "Diplomacy" went on the road Miss Cummins was engaged as the Countess Zicka. Her associates were Frederick Warde, Benjamin Porter and Maurice Barrymore and his wife, then a newly married couple. In a small Texas town Porter, while resenting an insult to Miss Porter, while resenting an insult to Miss Cummins, was shot dead in her presence by a border ruffian who had forced his way into the railroad restaurant where the company was at supper. The outrage attracted widespread attention, and its effect was to check to a considerable extent the lawlessness then prevalent in Texas. The incident all but ended the career of Miss Cummins.

tent the lawlessness then prevalent in Texas. The incident all but ended the career of Miss Cummins.

As a result of the nervous shock she became addicted to the use of stimulants and disappeared from view after her engagement in David Belasco's play "The Stranglers of Paris," at the Heraid Square Theatre. She was arrested for theft as the Theatre. She was arrested for theft as the result of her habits and confined in a sanitarium. She succeeded in recovering her-self after this experience, and was seen last in New York in David Belasco's production of the Chinese play "The First Born." Later she acted in the West.

READACHES FROM COLDS Laxative Bromo Quinine, the world wide Cold and Grip remedy, removes the cause. Call for the full name and look for signature of E. W. Grove. 25c.—440.

WON'T SHOW HIS BOX OF GOLD

BUILDER MEEHAN SAYS HE'S GOT IT IN HIS HOUSE.

No Negotiations With the Macy Heirs Over He's Found Any Money," Says T.M. Maey

It was just like the chest they bring on the stage in "The Count of Monte Cristo," according to Builder James F. Mechan, and with contents such as Capt. Kidd delighted to bury, this wonderful thing dug up in the cellar of the old Bronx house.

What is to become of it is a question. Mr. Meehan, whose brother-in-law found it, says it is safely locked up in his house instead of being in a safety deposit vault. Concerning the contents he is rather reti-Munroes that they are solvent, Receiver cent, and he won't let the reporters see

"I don't want to discuss them with rumor of a lawsuit all about," said Meehan. "Most of the money is gold, coined in the United States, France, Germany and Spain. There is some paper money of this country, and it is all good."

"Any doubloons or pieces of eight?" "Couldn't quite say about that," said Mr. Meehan.

"What do you think the treasure is worth?" "That I'm not sure of," said the contractor, "but I don't believe you would be far out of the way if you said \$100,000. That box was just like what you see brought in by the faithful servants in the third act of the show-all covered with rust and just crammed full of money. As a matter of fact, the chest was found a week ago last Wednesday, but we did not care to make it public, and it did not leak out until Sunday."
"It was found by my foreman, Thomas

Cunningham, who is also my brother-inlaw. He was in charge of the work of excavating the old Macy place at Prospect and Longwood avenues, where we are going to put up a six story apartment house. The excavation job was sublet to Michael Maher and his gang of Italians. While Cunningham was looking over the work he saw something peculiar near a dry cistern at the back of the house. The Macy place was an old one and got its water supply from this cistern years ago.

"Cunningham didn't say anything to Maher and did not go to the place beside the cistern until the next morning. Then he dug up the chest and we found the money.

"Although some of the money was added."

"Although some of the money was coined during the time that Theodore L. Macy lived on the place, I have no reason to think that the chest was buried by him or that any of the Macy heirs have any claim on

Thomas Cunningham said that he guessed Thomas Cunningham said that he guessed the contents of the box would run to about \$150,000, although he could not calculate exactly, because many of the coins were foreign. Neither he nor Mr. Meehan could guess who had buried the chest.

Theodore L. Macy died about ten years did not like it she could leave. On one

engaged him in 1880 as Albany correspondent for the New York Heraid. After four years in Albany he was sent to Washington. Mr. Calkins was present at the death of President Lincoln, and the account which he wrote of it has been republished many times.

In the fall of 1868 Mr. Calkins went to the World, then owned by Manton Marble. He represented the World at Albany for two years. In 1870 he was appointed clerk of the Senate. In 1872 he was made clerk of the senate. In 1872 he was made clerk of the senate. It was reported yeste day that he

estate. It was reported yesterday that he had decided to bring suit against Meehan for the possession of the treasure trove, for the possession of the treasure trove, on the ground that the deed did not convey anything except land and houses.
"I haven't decided one way or the other," said Mr. Macy last night. "As a matter of fact I know very little about the matter.
I have heard the report that Mr. Meehan
found this money. I do not know for certain that he did find it."

"Have you seen Mr. Meehan?"
"Yes, I had a talk with him to-night,"
said Mr. Macy.
"Did you discuss what is to be done with
the money has alarmed the to-night." the money he claims to have found?"
"No," said Mr. Ma, y; "we conferred on

other business."
"Have you reason to doubt that Meehan found this money?' found this money?"

"I've nothing to say about that. I don't know whether he did or not."

"Have you reason to think that your father secreted that money on the place?"

"No," said Mr. Macy, "I haven't. Really, I don't know any more about the matter than you do. Mr. Meehan hasn't told me how much money there is or in what form it is or how long it must have lain where it it is or how long it must have lain where it

it is or how long it must have lain where it was found. I haven't seen my lawyers about the matter at all."

Miss Isabel Macy said that she knew very little about the matter and was losing no sleep over it. She was asked whether her father had eyer travelled in places where he would have been likely to accumulate the coins described by Meehan.

"I never heard that he travelled abroad," said Miss Macy "and I don't know that he eyer collected foreign coins. I am

he ever collected foreign coins. I am familiar with the oll rouse, for I played around it when a gan in the wine cellar and about the old cisten. Not far away from the house was an Indian cemetery where there was a lot of fighting before the Revolution."
Miss Macy was asked whether she knew

any one connected with the family who might have hidden the money.

"I cannot think of any one unless it was a servant named Barbara Hoffman who was with us for twenty years. She was very intelligent, even intellectual, and she had worked as a laundress for some of the richest people in Germany. It is possible that she got the money in some way that I do not know of and hid it there. She died in the Isabella Home many years ago and we never heard of her having any large amount

of money."

The Macy place is owned by Meehan, who bought it from McCarty & Macy, a firm in which T. Mortimer Macy is a partner. McCarty & Macy had bought the property from the estate. The house, which was a rather picturesque affair, was torn down several weeks ago. several weeks ago.

NO E LEVATED IN BRONX PARK Neighbors Against Parsons's Plan to Build One-Brooklyn Kicking, Too.

At the meeting of the Rapid Transit Commission on Thursday a delegation of residents of the neighborhood of Bronx Park will attend to protest against the carrying out of any proposal to extend the elevated railroad system through the park. They will urge that if the extension is built along the route recommended by Engineer Parsons it will mean the cutting up of the park over a large area.

The City (Pub will send a delegation to make similar protest. The protests of the park over a large area.

make similar protest. The meeting will also be attended by numerous delegations from Brooklyn, who will urge that their borough has not been justly treated in the Parsons plans for new subways.



Everybody's business is-To look prosperous.

Revised prices will likely tempt you into a fresh suit to finish out the winter-we've lots It-"I Don't Know for Certain That of good ones at \$15 now, as well as reductions here and there makes. higher up.

> A pair of separate trousers may do the trick; \$5 to \$12.

ROGERS, PEET & COMPANY. opposite City Hall.

842 Broadway, cor. 18th.
and 140 to 148 4th Ave.

1260 Broadway, cor. 32d.
and 54 West 33d St.

CRUEL TREATMENT BY HER HUS-

BAND THE CAUSE.

Testimony in the Case Against the Young

Pittsburg Millionaire Made Public

-The Husband Makes No Defence

-Wife Swears to Many Indignities.

PITTSBURG, Jan. 9.-Mrs. Eliza Sutton

McKee to-day obtained a divorce from her

husband, A. Hart McKee, the young Pitts-

burg millionaire, who some time ago caused

talk by his attentions to Mrs. Tevis, both in

New York and in Europe, and over whom

Mrs. Phipps and Mrs. Tevis are said to have

had a hair pulling match in a New York

It was not intended that the testimony

of Mrs. McKee in asking for the divorce be

made public, but the testimony leaked out

to-day, as well as that of Elizabeth Foster,

a former maid of Mrs. McKee, and Dr. R.

Sutton, her father. Miss Foster lives at

Judge Evans granted the divorce on the

grounds that McKee offered indignities to

his wife, making her liife so burdensome

that she was forced to withdraw from his

home to the shelter of her father's roof.

McKee did not contest the proceedings, it being understood that when he gave Mrs.

McKee \$300,000 several months ago he would

Mrs. McKee sets forth in her bill that she

was in constant fear of her life at the hands

of McKee; that he always carried two re-

volvers, and slept with one under his pillow

that on one occasion he threw a loaded

and spend a million dollars if necessary to

keep them from her. He also told her that

On one occasion McKee battered down

the door of a bathroom where she was,

though there were two other baths in the

house, and on another occasion he struck

her. This was when she was confined to

McKee, she said, turned the keys of the

house and purse over to the butler, and in

other ways humiliated her. Once on a

train, in the hearing of maids, while going

to Philadelphia he had told her in a loud

voice that any man who would keep her

might have her. This, she said, was with-

Dr. R. S. Sutton, father of Mrs. McKee,

testified that he had done his best to recon-

cile the couple, but could not do so, and

that when his daughter came to his home

with her children she was thin and sick, as

if she had been half starved. Neither she

FAIRBANKS RESIGNS.

Notice of His Resignation Sent Formally

to the Indiana Legislature.

acts of the new Governor of Indiana, J.

Frank Hanly, was to send to the House

and the Senate a notice of the resignation

of Charles W. Fairbanks from the United

States Senate. By notifying the Legisla-

ture both United States Senators can be

elected on Jan. 17, one week from to-morrow.

The Federal law provides that the Legis

lature shall elect the second Tuesday after

receiving notice of a vacancy. Congress-

man James A. Hemenway will be elected

to succeed Senator Fairbanks, who will

become Vice-President, and Senator Albert J. Beveridge will be elected to succeed

himself.

Senator Fairbanks's resignation is to take effect at the close of the Fifty-eighth Congress, which is March 4 of this year. Following is the formal resignation:

UNITED STATES SENATE.

WASHINGTON, D. C., Jan. 7, 1905.

Hon. J. Frank Hanly. Governor:

SIR-I hereby tender my resignation as a Senator of the United States to take effect at the close of the Fifty-eighth Congress.

Very respectfully.

CHARLES W. FAIRBANKS.

Lackawanna Ferry Pilot Exonerated.

have exonerated the pilot of the Lacka-

Quarter Size

The United States Steamboat Inspectors

CHARLES W. FAIRBANKS.

INDIANAPOLIS, Jan. 9 .- One of the first

nor the children had sufficient clothing.

out any provocation on her part at all.

bed after giving birth to a child.

his mother would take great delight in

breaking her neck.

not protest when she applied for divorce.

51 East Forty-ninth street, New York.



Nobody's business What underwear you wear

unless it's a sort that irritates We've all the good materials

-so have just the sort your skin needs-all in the best fitting Specialties too, like Stutt-

garter (sanitary pure wool), Dr. Deimel (mesh), Dermophile (all wool, yet non-shrinkable).

ROGERS, PEET & COMPANY.

258 Broadway, cor. Warren, opposite City Hail. 842 Broadway, cor. 13th, and 140 to 148 4th Ave. 1260 Broadway, cor. 32d, and 54 West 33d St.

MRS, M'KEE GETS HER DIVORCE



in search of quality in



Champagne because it is the best - irrespective of price...But it might interest you to know that it costs one-half as much as foreign champagnes, since it pays no duty or ocean freight charges.

ESTABLISHED NEARLY HALF A CENTURY

HERE'S Overcoat built and stout men. We have cut \$4 to \$8 on the prices of a large stock of "Stouts" and "Extra Sizes," running from 45 to 56 inch chest. They are splendid goods in Winter Worsteds, Cheviots and Friezes. Colors, Black and Oxford Mixtures. Prices \$20 to \$45.

Subway Station just at our door. ASTOR PLACE AND FOURTH AVENUE.

Kennedy 12 CORTLANDTS:

Fine Underwear Reduced.

French Wool Ribbed, 1.49. In white, tan and blue. Were 2.00. Heavy Mercerized Cotton, 1.75, in novi and blue. Were 1.98. Heavy Cotton (Ecru) 89c. Were 1.50 Australian Wool (natural) 1.49 " 1.98 Heavy Stuttgarter Wool, 2.49. 2.00 White Dress Shirts, 98c

have exonerated the pilot of the Lacka-wanna Railroad Company's ferryboat Paun-peck from all blame for the collision be-tween the ferryboat and the steamer W. C. Redfield on the evening of Dec. 2. The pilot of the Redfield is held to have been wholly responsible for the collision and his license has been suspended for sixty days. ART SALES AND EXHIBITIONS. "Concluding Sessions." American Art Galleries, MADISON SQUARE SOUTH, NEW YORK

Cuffs attached. Finest linea bosoms,





YAMANAKA

COLLECTION The sale will be conducted by

THOMAS E. KIRBY, of the AMERICAN ART ASSOCIATION, Managers & East 28d St., Madison Square South